

FILED

AUG 13 2007

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R8

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 WHITNEY A. DAVIS, #149523
2 **CHARTER DAVIS, LLP**
3 Attorneys at Law
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8 Attorneys for VIAD CORP, and THE DIAL
9 CORPORATION, individually
10 and as alleged successors-in-interest
11 to Griscom-Russell Company

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

EDL

C 07 4155

14 ROBERT GARRITANO,

15 Plaintiff,

16 v.

17 ASBESTOS DEFENDANTS (B♦P) As
18 Reflected on Exhibits B, B-1, C, H, I; and
19 DOES 1-8500.

20 Defendants.

) Federal Case No.

) State Case No. **CGC 06-452792**

) **NOTICE OF REMOVAL OF ACTION**
) **PURSUANT TO 28 U.S.C. SECTIONS**
) **1442(a)(1) AND 1446(a)**

BY FAX

21 **TO THE CLERK OF THE ABOVE-REFERENCED COURT:**

22 **PLEASE TAKE NOTICE** that Defendant, VIAD CORP, and THE DIAL
23 CORPORATION, individually and as alleged successors-in-interest to Griscom-Russell
24 Company (hereinafter "VIAD"), hereby removes to this Court the state court action described
25 below, pursuant to 28 U.S.C. sections 1442(a)(1) and 1446(a).

26 **PRELIMINARY MATTERS**

27 1. On June 1, 2006, Plaintiff ROBERT GARRITANO, filed this lawsuit
28 ("Complaint") in the Superior Court of the State of California, County of San Francisco, Case
No. CGC 06-452792, and entitled ROBERT GARRITANO vs. ASBESTOS DEFENDANTS,
et al. A true and correct copy of the Complaint is attached hereto as Exhibit "A."

///

Charter Davis LLP
Attorneys at Law
1730 I Street, #240
Sacramento, CA 95814
phone (916) 448-9000

2. Defendant VIAD first received the Complaint on July 11, 2007, with a Summons reflecting that service of process took place by process server on VIAD's authorized agent on July 11, 2007. A true and correct copy of the summons is attached hereto included in Exhibit "B".

3. This Notice of Removal is timely in that it is filed within 30 days of service of the Complaint, with three additional days added by Rule 6 by which VIAD received its first notice of the facts indicating that the case was removable within the meaning of 28 U.S.C. §1446(b).

NATURE OF THE CASE

4. This case is based upon Plaintiff ROBERT GARRITANO developed an asbestos-related disease, specifically asbestosis, allegedly caused by his exposure to asbestos dust and/or fibers.

5. Plaintiffs assert negligence, strict product liability, false representation, concert of action, and fraud, against VIAD.

CONCLUSION

6. Removal of this action is proper under 28 U.S.C. §1442, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter pursuant to 28 U.S.C. §1442(a)(1) because VIAD CORP, as the alleged successor-in-interest to Griscom-Russell Company, was acting under an officer or agency of the United States government, namely the United States Navy.

THEREFORE, VIAD, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. §1446, remove this action for trial from the Superior Court of the State of California for the County of San Francisco.

Dated: August 13, 2007

CHARTER DAVIS, LLP

By: /s/ Whitney A. Davis
Attorneys for Defendant Viad Corp, individually and
as alleged successor-in-interest to Griscom-Russell
Company

1 DAVID R. DONADIO, ESQ., S.B. #154436
 2 BRAYTON ♦ PURCELL LLP
 3 Attorneys at Law
 4 222 Rush Landing Road
 5 P.O. Box 6169
 6 Novato, California 94948-6169
 7 (415) 898-1555
 8 Attorneys for Plaintiff

ENDORSED
 FILED
 San Francisco County Superior Court

JUN 1 2006

GORDON PARK-LI, Clerk
 BY: CRISTINA E. BAUTISTA
 Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

SUPERIOR COURT OF CALIFORNIA

JUN 21 2007 -12PM

COUNTY OF SAN FRANCISCO DEPARTMENT 206

11 ROBERT GARRITANO,
 12 Plaintiff,

13 vs.

14 ASBESTOS DEFENDANTS (B ♦ P)
 15 As Reflected on Exhibits B, B-1, C, H,
 16 I; and DOES 1-8500; and SEE
 17 ATTACHED LIST.

GGC-06-452792

COMPLAINT FOR PERSONAL INJURY -
 ASBESTOS

17 1. Plaintiff ROBERT GARRITANO was born December 15, 1931.
 18 2. The ©Brayton ♦ Purcell Master Complaint for Personal Injury [and Loss of
 19 Consortium]- Asbestos (hereinafter "Master Complaint") was filed January 2, 2003, in San
 20 Francisco Superior Court. A copy of the Master Complaint and General Order No. 55 may be
 21 obtained upon request from Brayton ♦ Purcell, and designated portions of the Master Complaint
 22 are incorporated by reference herein pursuant to the authority conferred by General Order No. 55.
 23 Plaintiff's claims are as set forth in said Master Complaint against defendants herein as follows:

24 ///

25 ///

26 ///

DEFENDANTS* ON EXHIBITS:

| <u>Cause of Action</u> | <u>B</u> | <u>B-1</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>F</u> | <u>G</u> | <u>H</u> | <u>I</u> | <u>J</u> | <u>K</u> | <u>L</u> | <u>M</u> |
|--|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| First (Negligence) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | <input type="checkbox"/> | | <input type="checkbox"/> | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Second (Strict Liability) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | <input type="checkbox"/> | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| Third (False Representation) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | <input type="checkbox"/> | | | | | | |
| Fourth (Loss of Consortium) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fifth (Premises Owner/Contractor Liability) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | | | | | | | | |
| Sixth, Seventh, Eighth (Unseaworthiness, Negligence [Jones Act], Maintenance and Cure) | | | | <input type="checkbox"/> | | | | | | | | | |
| Ninth (Longshore and Harbor Workers Compensation Act [LHWCA]) | | | | <input type="checkbox"/> | | | | | | | | | |
| Tenth, Eleventh (F.E.L.A.) | | | | | <input type="checkbox"/> | | | | | | | | |
| Twelfth, Thirteenth (Respiratory Safety Devices) | | | | | | <input type="checkbox"/> | | | | | | | |
| Fourteenth, Fifteenth (Brake Shoe Grinding) | | | | | | <input type="checkbox"/> | | | | | | | |
| Sixteenth (Concert of Action) | | | | | | | <input checked="" type="checkbox"/> | | | | | | |
| Seventeenth, Eighteenth (Fraud, Deceit/Negligent Misrepresentation/Concealment) | | | | | | | | | <input checked="" type="checkbox"/> | | | | |
| Nineteenth (Fraud/Deceit/Intentional Misrepresentation) | | | | | | | | | | <input type="checkbox"/> | | | |
| Twentieth (Fraud/Deceit - Kent) | | | | | | | | | | | <input type="checkbox"/> | | |

*and their alternate entities as set forth in the Master Complaint or on any Exhibit.

1 3. Plaintiff's asbestos-related injury, date of diagnosis, employment status, and
2 history of exposure to asbestos are as stated on Exhibit A.

3 4. Plaintiff's claims against defendant VIACOM, INC. (successor by merger to
4 CBS CORPORATION which is successor-in-interest to WESTINGHOUSE ELECTRIC
5 CORPORATION) exclude military and federal government jobsites.

6 Dated: 8/15/06

BRAYTON ♦ PURCELL LLP

7
8 By: 

David R. Donadio
Attorneys for Plaintiff

EXHIBIT A

Plaintiff's exposure to asbestos and asbestos-containing products occurred at various locations both inside and outside the State of California, including but not limited to:

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|--|-----------------------|-----------------------|
| U.S. Navy | Naval Training Center Great Lakes, IL | Trainee | 1950 |
| | <u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA | Fireman | 1951-1952 |
| | <u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY | Boiler Operator | 1953 |
| | <u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39) | Boiler Operator | 1954 |
| Crosby Valve and Gauge Wrentham, MA | Crosby Valve and Gauge Wrentham, MA | Service Technician | 1957-1974 |
| | Chevron (Standard) Richmond, CA | | |
| | Mobil Oil Joliet, Illinois | | |
| | Standard Oil of Ohio Lima, Ohio | | |
| | Standard Oil Joliet, Illinois | | |
| | Murphy Oil, Superior, WI | | |
| | Rail Road Turnaround, Chicago, IL | | |
| | Shell Oil Wood River, IL | | |
| | Standard Oil Sugar Creek, MO | | |

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EXHIBIT A

EXHIBIT A (cont'd.)

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|---|--------------------|-----------------------|
| Crosby Valve and Gauge Wrentham, MA (cont'd.) | Lion Oil Company El Dorado, AR | Service Technician | 1957-1974 |
| | Clark Oil Blue Island, IL | | |
| | Amoco Oil Whiting, IL | | |
| | Marathon Oil Co. Detroit, MI | | |
| | Koch Refinery St. Paul, MN | | |
| | Marathon Oil Co. St. Paul Park, MN | | |
| | U.S. Steel Gary, Indiana | | |
| | Masonite Corp. Laurel, MS | | |
| | Union Carbide, Address unknown | | |
| | Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to: | | |
| | <u>HMAS PERTH</u> (Australian Navy) | | |
| | <u>HMAS HOBART</u> (Australian Navy) | | |
| Protectoseal Co. Chicago, IL | Protectoseal Co. Chicago, IL | Sales Manager | 1974-1976 |
| | Standard Oil Sugar Creek, MO | | |
| | Exxon Refinery, Baton Rouge, LA | | |
| | Citgo Petroleum Corp. Lake Charles, LA | | |

///

EXHIBIT A

EXHIBIT A (cont'd.)

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|---|--|------------------|-----------------------|
| Protectoscal Co. Chicago, IL (cont'd.) | Marathon Oil St. Paul Park, MN | Sales Manager | 1974-1976 |
| | Owens-Illinois Glass Alton, IL | | |
| | Dow Chemical East St. Louis, IL | | |
| | Clark Oil Blue Island, IL | | |
| | Lemont Refining, Lemont, IL | | |
| | Chevron (Standard) Richmond, CA | | |
| Fike Metal Products Blue Springs, Missouri | Fike Metal Products Blue Springs, Missouri | Sales Manager | 1976-1979 |
| | Exxon Baton Rouge, LA | | |
| | Standard Oil Sugar Creek, MO | | |
| | Shell Oil Martinez, CA | | |
| | Mobil Chickasaw, AL | | |
| | Shell Chemical Saraland, AL | | |
| | Lion Oil Company El Dorado, AR | | |
| | Chevron (Standard) Richmond, CA | | |
| | Lemont Refining Lemont, IL | | |
| | Clark Oil Blue Island, IL | | |
| /// | | | |

EXHIBIT A

| | | | | |
|-----|-------------------------------------|-----------------------------|------------------|-----------------------|
| 1 | <u>EXHIBIT A (cont'd.)</u> | | | |
| 2 | <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
| 3 | Fike Metal Products | Shell Oil | Sales Manager | 1976-1979 |
| 4 | Blue Springs, Missouri (cont'd.) | Wood River, IL | | |
| 5 | | Unknown location, | | |
| 6 | | Mount Vernon, IL | | |
| 7 | | Amoco | | |
| 8 | | Whiting, Indiana | | |
| 9 | | El Dorado Refining Co. | | |
| 10 | | El Dorado, KS | | |
| 11 | | Farmland Industries Inc., | | |
| 12 | | Coffeyville, KS | | |
| 13 | | Continental Oil, | | |
| 14 | | Westlake, LA | | |
| 15 | | Marathon Oil | | |
| 16 | | Garyville, LA | | |
| 17 | | Citgo Petroleum Corp., | | |
| 18 | | Lake Charles, LA | | |
| 19 | | Marathon Oil | | |
| 20 | | Detroit, MI | | |
| 21 | | Koch Oil | | |
| 22 | | St. Paul, MN | | |
| 23 | | Marathon Oil | | |
| 24 | | St. Paul Park, MN | | |
| 25 | | Standard Oil of Ohio | | |
| 26 | | Lima, Ohio | | |
| 27 | | Phillips 66 Co. | | |
| 28 | | Kuparuk (Anchorage), AK | | |
| | | Chevron (Standard Oil) | | |
| | | Honolulu, HI | | |
| | | Dow Chemical | | |
| | | East St. Louis, IL | | |
| | | Owens-Illinois Glass | | |
| | | Alton, IL | | |
| /// | EXHIBIT A | | | |

EXHIBIT A (cont'd.)

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|---|-----------------------------|-----------------------|
| Fike Metal Products Blue Springs, Missouri (cont'd.) | Irwin Chemical Co. Des Moines, Iowa | Sales Manager | 1976-1979 |
| | USI Chemical Co. Clinton, Iowa | | |
| Crane Valves Nuclear Division Atlanta, GA | Crane Valves Atlanta, GA | Sales Manager (Regional) | 1979-1985 |
| | Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL | | |
| | Duke Power Oconee Nuclear Powerhouse, Seneca, SC | | |
| | Mississippi Power and Light | | |
| | Alabama Power and Light | | |
| | Texas Utility | | |
| | Chevron Richmond, CA | | |
| | Shell Oil Wood River, IL | | |
| | Standard Oil Joliet, Illinois | | |
| | Mobil Oil Joliet, IL | | |
| | Browns Ferry Nuclear Power Plant (TVA) Athens, AL | | |
| | Maracaibo Chemical Maracaibo, Venezuela | | |

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EXHIBIT A

EXHIBIT A (cont'd.)

Plaintiff's exposure to asbestos and asbestos-containing products caused severe and permanent injury to the plaintiff, including, but not limited to breathing difficulties, asbestosis, and/or other lung damage, and increased risk and fear of developing mesothelioma, lung cancer and various other cancers. Plaintiff was diagnosed with asbestosis on or about June 14, 2004.

Plaintiff retired from his last place of employment at regular retirement age. He has therefore suffered no disability from his asbestos-related disease as "disability" is defined in California Code of Civil Procedure § 340.2.

EXHIBIT A

EXHIBIT BDEFENDANTS

| | |
|------------------------------------|----------------------------|
| AMERICAN STANDARD, INC. | PLANT INSULATION COMPANY |
| AQUA-CHEM, INC. | QUINTEC INDUSTRIES, INC. |
| ASBESTOS CORPORATION LIMITED | RAPID-AMERICAN CORPORATION |
| CROWN CORK & SEAL COMPANY, INC. | RILEY POWER INC. |
| THOMAS DEE ENGINEERING CO., INC. | THORPE INSULATION COMPANY |
| DURABLA MANUFACTURING COMPANY, | UNIROYAL HOLDING, INC. |
| INC. | VIACOM, INC. |
| THE GOODYEAR TIRE & RUBBER COMPANY | WESTERN MacARTHUR COMPANY |
| FOSTER WHEELER LLC | MacARTHUR COMPANY |
| GARLOCK SEALING TECHNOLOGIES, LLC | WESTERN ASBESTOS COMPANY |
| GENERAL REFRACTORIES | IMO INDUSTRIES, INC. |
| GENERAL ELECTRIC COMPANY | INGERSOLL-RAND COMPANY |
| OWENS-ILLINOIS, INC. | DOES 1-800 |
| PARKER-HANNIFIN CORPORATION | |

ALTERNATE ENTITY

| | |
|----------------------------|---|
| CROWN CORK & SEAL COMPANY, | MUNDET CORK COMPANY |
| INC. | |
| FOSTER WHEELER LLC | FOSTER WHEELER CORPORATION |
| GARLOCK SEALING | GARLOCK, INC. |
| TECHNOLOGIES, LLC | COLTEC INDUSTRIES, INC. |
| | FAIRBANKS-MORSE |
| | FAIRBANKS MORSE ENGINES |
| | BELMONT PACKING & RUBBER CO. |
| | GARLOCK PACKING CO. |
| | U.S. GASKET CO. |
| | GOODRICH CORPORATION |
| | ENPRO INDUSTRIES, INC. |
| GENERAL ELECTRIC COMPANY | MATTERN X-RAY |
| | HOTPOINT ELECTRIC APPLIANCE COMPANY LIMITED |
| | TRUMBULL ELECTRIC MANUFACTURING COMPANY |
| | G E INDUSTRIAL SYSTEMS |
| | CURTIS TURBINES |
| | PARSONS TURBINES |
| | GENERAL ELECTRIC JET ENGINES |
| UNIROYAL HOLDING, INC. | UNIROYAL, INC. |

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EXHIBIT B

EXHIBIT B (cont'd.)

ALTERNATE ENTITY

RILEY POWER, INC.

BABCOCK BORSIG POWER, INC.
DB RILEY, INC.
RILEY STOKER CORPORATION
BADENHAUSEN
UNION IRON WORKS
UNION IRON WORKS OF SPOKANE, WA

VIACOM, INC.

CBS CORPORATION
WESTINGHOUSE ELECTRIC CORPORATION
WESTINGHOUSE ELECTRIC AND
MANUFACTURING COMPANY
B.F. STURTEVANT
KPIX TELEVISION STATION
PARAMOUNT COMMUNICATIONS, INC.

IMO INDUSTRIES, INC.

TRANSAMERICA DELAVAL, INC.
ENTERPRISE ENGINE & MACHINERY CO.
DE LAVAL STEAM TURBINE, INC.
DELAVAL STEAM TURBINE
DELAVAL INDUSTRIES INC.
DE LAVAL TURBINE, INC.
GENERAL METALS CORPORATION

INGERSOLL-RAND COMPANY

INGERSOLL-DRESSER PUMP
DRESSER-RAND CO.
PACIFIC PUMP WORKS
FLOWSERVE CORPORATION
INGERSOLL ROCK DRILL COMPANY
TERRY STEAM TURBINE CO.
RAND DRILL COMPANY
RAND & WARING DRILL AND COMPRESSOR COMPANY
INGERSOLL-SERGEANT
SCHLAGE LOCK COMPANY
VON DUPRIN
THE TORRJINGTON COMPANY
BLAW-KNOX COMPANY

EXHIBIT B-1

DEFENDANTS

HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
DOES 1-800; DOES 1001-2000

///

///

EXHIBITS B, B-1

1 EXHIBIT B-1 (cont'd.)2 ALTERNATE ENTITY

3 J.T. THORPE & SON, INC. THE THORPE COMPANY
 4 THORPE PRODUCTS CO.
 5 J.T. THORPE NORTHWEST
 6

7 EXHIBIT C8 DEFENDANTS

| | |
|-----------------------------|---------------------------|
| 9 SHELL OIL COMPANY | THORPE INSULATION COMPANY |
| 10 CHEVRON PRODUCTS COMPANY | WESTERN MacARTHUR COMPANY |
| HOPEMAN BROTHERS, INC. | MacARTHUR COMPANY |
| J.T. THORPE & SON, INC. | WESTERN ASBESTOS COMPANY |
| 11 PLANT INSULATION COMPANY | DOES 1001-2000 |

12 ALTERNATE ENTITY

| | |
|-----------------------------|--------------------------------------|
| 13 CHEVRON PRODUCTS COMPANY | CHEVRON U.S.A. PRODUCTS COMPANY |
| 14 | CHEVRON CORPORATION PRODUCTS COMPANY |
| 15 | CHEVRON CORPORATION |
| 16 | CHEVRON OIL REFINERY |
| 17 | CHEVRON CHEMICAL COMPANY |
| 18 | WILSHIRE OIL |
| 19 | STANDARD OIL COMPANY OF CALIFORNIA |
| 20 | STANDARD OIL COMPANY OF CALIFORNIA, |
| 21 | WESTERN OPERATIONS, INC. |
| 22 | GULF OIL COMPANY |
| 23 | GULF OIL OF CALIFORNIA |
| 24 | GULF OIL CORPORATION |
| 25 | GULF OIL PRODUCTS COMPANY |
| 26 | CHEVRON RESEARCH AND |
| 27 | TECHNOLOGY |
| 28 | PACIFIC OIL REFINING |
| | PACIFIC REFINING CO. |
| | SEQUOIA REFINING CORP. |
| | CHEVRON U.S.A., INC. |
| | CHEVRON U.S.A. PRODUCTS, INC. |

24 PREMISES OWNER25 DEFENDANTS

26 SHELL OIL COMPANY

LOCATION

Shell Oil Refinery, Martinez, CA

TIME PERIOD

1976-1979

27 ///

28 ///

EXHIBIT C

EXHIBIT C (cont'd.)PREMISES OWNER
DEFENDANTSLOCATIONTIME PERIOD

CHEVRON PRODUCTS COMPANY

Standard Oil, Richmond, CA

1957-1974;
1974-1976;
1976-1979;
1979-1985CONTRACTOR
DEFENDANTSLOCATIONTIME PERIOD

HOPEMAN BROTHERS, INC.

Mare Island Naval Shipyard-
Vallejo, CA

1/01/42-1952

Federal Shipbuilding & Drydock-
Kearny, NJ

1952

Newport News Shipbuilding &
Drydock-Newport News, VA

12/31/88

J.T. THORPE & SON, INC.

Various

Various

PLANT INSULATION COMPANY

Various

Various

THORPE INSULATION COMPANY

Various

Various

WESTERN MacARTHUR
COMPANY/MacARTHUR
COMPANY/WESTERN ASBESTOS
COMPANY

Various

Various

EXHIBIT C

EXHIBIT H

DEFENDANTS

| | |
|--|--|
| METROPOLITAN LIFE INSURANCE COMPANY | STUART-WESTERN, INC. |
| PNEUMO ABEX LLC | RITESET MANUFACTURING COMPANY |
| BORGWARNER MORSE TEC, INC. | ASBESTOS MANUFACTURING COMPANY |
| HONEYWELL INTERNATIONAL, INC. (successor-in- | FIBRE & METAL PRODUCTS COMPANY |
| interest to ALLIEDSIGNAL, INC.) | LASCO BRAKE PRODUCTS |
| THE BUDD COMPANY | L.J. MILEY COMPANY |
| DAIMLERCHRYSLER CORPORATION | ROSSENDALE-RUBOIL COMPANY |
| DANA CORPORATION | SOUTHERN FRICTION MATERIALS COMPANY |
| FORD MOTOR COMPANY | U.S. SPRING & BUMPER COMPANY |
| GENERAL MOTORS CORPORATION | AUTO FRICTION CORPORATION |
| BRIDGESTONE/FIRESTONE | EMSCO ASBESTOS COMPANY |
| NORTH AMERICAN TIRE, LLC | FORCEE MANUFACTURING CORPORATION |
| LEAR SIEGLER DIVERSIFIED HOLDINGS CORP. | MOLDED INDUSTRIAL FRICTION CORPORATION |
| MAREMONT CORPORATION | NATIONAL TRANSPORT SUPPLY, INC. |
| MORTON INTERNATIONAL, INC. | SILVER LINE PRODUCTS, INC. |
| PARKER-HANNIFIN CORPORATION | STANDCO, INC. |
| STANDARD MOTOR PRODUCTS, INC. | UNIVERSAL FRICTION MATERIALS COMPANY |
| GATKE CORPORATION | WHEELING BRAKE BLOCK MANUFACTURING |
| GARLOCK SEALING TECHNOLOGIES, LLC | COMPANY |
| BRASSBESTOS BRAKE LINING COMPANY | OWENS-ILLINOIS, INC. |
| H. KRASNE MANUFACTURING COMPANY | BELL ASBESTOS MINES LTD. |
| AUTO SPECIALTIES MANUFACTURING COMPANY | DOES5000-8000 |

EXHIBIT I

DEFENDANTS

METROPOLITAN LIFE INSURANCE COMPANY
 OWENS-ILLINOIS, INC.
 PNEUMO ABEX LLC
 GATKE CORPORATION
 GARLOCK SEALING TECHNOLOGIES, LLC
 AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
 UNDERWRITERS LABORATORIES, INC.
 DOES5000-7500

EXHIBITS H, I

1 DAVID R. DONADIO, ESQ., S.B. #154436
 2 BRAYTON ♦ PURCELL LLP
 3 Attorneys at Law
 4 222 Rush Landing Road
 5 P.O. Box 6169
 6 Novato, California 94948-6169
 7 (415) 898-1555

8 Attorneys for Plaintiff

ENDORSED
 FILED
 San Francisco County Superior Court

JUN 1 2006

GORDON PARK-LI, Clerk
 BY CRISTINA E. BAUTISTA
 CASE MANAGEMENT CONFERENCE

SUPERIOR COURT OF CALIFORNIA JUN 1 2007 -1:20 PM
 COUNTY OF SAN FRANCISCO
 DEPARTMENT 206

11 ROBERT GARRITANO,
 12 Plaintiff,

13 vs.

14 ASBESTOS DEFENDANTS (B ♦ P)

No.

CGC-06-452792

PRELIMINARY FACT SHEET/NEW
 FILING/ASBESTOS LITIGATION

(See General Order No. 129, In Re:
Complex Asbestos Litigation)

NOTICE

18 TO NEW DEFENDANTS SERVED IN COMPLEX ASBESTOS LITIGATION IN THE
 19 SUPERIOR COURT IN AND FOR THE STATE OF CALIFORNIA, CITY AND COUNTY OF
 20 SAN FRANCISCO

21 You have been served with process in an action which has been designated by the Court
 22 as complex litigation pursuant to Standard 19 of the Standards of Judicial Administration. This
 23 litigation bears the caption "In Re: Complex Asbestos Litigation", [San Francisco Superior
 24 Court No. 828684].

25 This litigation is governed by various general orders, some of which affect the judicial
 26 management and/or discovery obligations, including the responsibility to answer interrogatories
 27 deemed propounded in the case. You may contact the Court or Designated Defense Counsel,
 28 Berry & Berry, P.O. Box 16070, 2930 Lakeshore Avenue, Oakland, CA 94610; Telephone:
 (510) 835-8330; FAX: (510) 835-5117, for further information and/or copies of these orders, at
 your expense.

1. State the complete name and address of each person whose claimed exposure to asbestos is
 the basis of this lawsuit ("exposed person"): Robert Garritano, 6701 West 146th Terrace, Apt.
#1205, Overland Park, Kansas 66223.

K:\Unkred\103122\temp-factst-wpd

PRELIMINARY FACT SHEET/NEW FILING/ASBESTOS LITIGATION

BRAYTON ♦ PURCELL LLP
 ATTORNEYS AT LAW
 222 RUSH LANDING ROAD
 P.O. BOX 6169
 NOVATO, CALIFORNIA 94948-6169
 (415) 898-1555

1 2. Does plaintiff anticipate filing a motion for a preferential trial date within the next four
 2 months? Yes X No
 3 [If yes, the action will be governed by General Order No. 140; if no, the action will be governed
 4 by General Order No. 129.]

5 3. Date of birth of each exposed person in item one and, if applicable, date of death:

6 Date of Birth: 12/15/31

7 Date of Death: N/A

8 Social Security Number of each exposed person:

9 327-24-9321

10 4. Specify the nature or type of asbestos-related disease alleged by each exposed person.

11 X Asbestosis Mesothelioma
 12 Pleural Thickening/Plaques Other Cancer: Specify:
 13 Lung Cancer Other Than Mesothelioma Other: Specify:

14 5. For purposes of identifying the nature of exposure allegations involved in this action, please
 15 check one or more:

16 X Shipyard Construction Friction-Automotive
 17 Premises Aerospace Military
 18 X Other: Specify all that apply: Industrial/Refinery

19 If applicable, indicate which exposure allegations apply to which exposed person.

20 6. Identify each location alleged to be a source of an asbestos exposure, and to the extent known,
 21 provide the beginning and ending year(s) of each such exposure. Also specify each exposed
 22 person's employer and job title or job description during each period of exposure. (For example:
 23 "San Francisco Naval Shipyard - Pipefitter - 1939-1948"). Examples of locations of exposure
 24 might be a specific shipyard, a specific railroad maintenance yard, or perhaps more generalized
 25 descriptions such as "merchant marine" or "construction". If an exposed person claims exposure
 26 during only a portion of a year, the answer should indicate that year as the beginning and ending
 27 year (e.g., 1947-1947).

28 ///

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|--|-----------------------|-----------------------|
| U.S. Navy | Naval Training Center Great Lakes, IL | Trainee | 1950 |
| | <u>U.S.S. GENERAL GEORGE M. RANDALL</u> (AP-115); Mare Island Naval Shipyard, Vallejo, CA | Fireman | 1951-1952 |
| | <u>U.S.S. HORNET</u> (CVA-12); Brooklyn Naval Shipyard, Brooklyn, NY | Boiler Operator | 1953 |
| | <u>U.S.S. LAKE CHAMPLAIN</u> (CVA-39) | Boiler Operator | 1954 |
| Crosby Valve and Gauge Wrentham, MA | Crosby Valve and Gauge Wrentham, MA | Service Technician | 1957-1974 |
| | Chevron (Standard) Richmond, CA | | |
| | Mobil Oil Joliet, Illinois | | |
| | Standard Oil of Ohio Lima, Ohio | | |

(Attach Additional Pages, If Necessary) SEE ATTACHED CONTINUATION

7. For each exposed person who:

a. worked in the United States or for a U.S. agency outside the territorial United States, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Earnings authorization (Exhibit N-4 to General Order No. 129);

b. may have had a Social Security disability award or is no longer employed and whose last employment was not with a United States government agency, attach to the copy of this fact sheet provided to Designated Defense Counsel a fully executed Social Security Disability authorization (Exhibit N-5 to General Order No. 129);

c. served at any time in the United States military, attach to the copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of the stipulation (Exhibit N-3 to General Order No. 129);

1 d. was employed by the United States government in a civilian capacity, attach to the
2 copy of this fact sheet provided to Designated Defense Counsel two fully executed originals of
3 the stipulation (Exhibit N-3 to General Order No. 129).

4 8. If there is a wrongful death claim, attach to the copy of this fact sheet provided to Designated
5 Defense Counsel a copy of the death certificate, if available. If an autopsy report was done, also
6 attach a copy of it to the copy of this fact sheet provided to Designated Defense Counsel.

7 9. State the date of the filing of the initial complaint in this matter:

8 June 1, 2006

9 By: 

10 Attorney for Plaintiff

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|---|-----------------------|-----------------------|
| Crosby Valve and Gauge Wrentham, MA (cont'd.) | Standard Oil Joliet, Illinois | Service Technician | 1957-1974 |
| | Murphy Oil, Superior, WI | | |
| | Rail Road Turnaround, Chicago, IL | | |
| | Shell Oil Wood River, IL | | |
| | Standard Oil Sugar Creek, MO | | |
| | Lion Oil Company El Dorado, AR | | |
| | Clark Oil Blue Island, IL | | |
| | Amoco Oil Whiting, IL | | |
| | Marathon Oil Co. Detroit, MI | | |
| | Koch Refinery St. Paul, MN | | |
| | Marathon Oil Co. St. Paul Park, MN | | |
| | U.S. Steel Gary, Indiana | | |
| | Masonite Corp. Laurel, MS | | |
| | Union Carbide, Address unknown | | |
| | Various ships at Dafoe Shipbuilding Bay City, MI including but not limited to: | | |
| | <u>HMAS PERTH</u> (Australian Navy) | | |
| | <u>HMAS HOBART</u> (Australian Navy) | | |

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|---|--|------------------|-----------------------|
| Protectoseal Co. Chicago, IL | Protectoseal Co. Chicago, IL | Sales Manager | 1974-1976 |
| | Standard Oil Sugar Creek, MO | | |
| | Exxon Refinery, Baton Rouge, LA | | |
| | Citgo Petroleum Corp. Lake Charles, LA | | |
| | Marathon Oil St. Paul Park, MN | | |
| | Owens-Illinois Glass Alton, IL | | |
| | Dow Chemical East St. Louis, IL | | |
| | Clark Oil Blue Island, IL | | |
| | Lemont Refining, Lemont, IL | | |
| | Chevron (Standard) Richmond, CA | | |
| Fike Metal Products Blue Springs, Missouri | Fike Metal Products Blue Springs, Missouri | Sales Manager | 1976-1979 |
| | Exxon Baton Rouge, LA | | |
| | Standard Oil Sugar Creek, MO | | |
| | Shell Oil Martinez, CA | | |
| | Mobil Chickasaw, AL | | |
| | Shell Chemical Saraland, AL | | |
| | Lion Oil Company El Dorado, AR | | |

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|--|------------------|-----------------------|
| Fike Metal Products Blue Springs, Missouri (cont'd.) | Chevron (Standard) Richmond, CA | Sales Manager | 1976-1979 |
| | Lemont Refining Lemont, IL | | |
| | Clark Oil Blue Island, IL | | |
| | Shell Oil Wood River, IL | | |
| | Unknown location, Mount Vernon, IL | | |
| | Amoco Whiting, Indiana | | |
| | El Dorado Refining Co. El Dorado, KS | | |
| | Farmland Industries Inc., Coffeyville, KS | | |
| | Continental Oil, Westlake, LA | | |
| | Marathon Oil Garyville, LA | | |
| | Citgo Petroleum Corp., Lake Charles, LA | | |
| | Marathon Oil Detroit, MI | | |
| | Koch Oil St. Paul, MN | | |
| | Marathon Oil St. Paul Park, MN | | |
| | Standard Oil of Ohio Lima, Ohio | | |
| | Phillips 66 Co. Kuparuk (Anchorage), AK | | |
| | Chevron (Standard Oil) Honolulu, HI | | |

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|--|---|-----------------------------|-----------------------|
| Fike Metal Products Blue Springs, Missouri (cont'd.) | Dow Chemical East St. Louis, IL | Sales Manager | 1976-1979 |
| | Owens-Illinois Glass Alton, IL | | |
| | Irwin Chemical Co. Des Moines, Iowa | | |
| | USI Chemical Co. Clinton, Iowa | | |
| Crane Valves Nuclear Division Atlanta, GA | Crane Valves Atlanta, GA | Sales Manager (Regional) | 1979-1985 |
| | Crystal River Powerhouse (Florida Power & Light Co.) FL; Turkey Point Powerhouse (Florida Power & Light Co.) Homestead, FL; St. Lucie Powerhouse (Florida Power & Light) FL | | |
| | Duke Power Oconee Nuclear Powerhouse, Seneca, SC | | |
| | Mississippi Power and Light | | |
| | Alabama Power and Light | | |
| | Texas Utility | | |
| | Chevron Richmond, CA | | |
| | Shell Oil Wood River, IL | | |
| | Standard Oil Joliet, Illinois | | |
| | Mobil Oil Joliet, IL | | |
| | Browns Ferry Nuclear Power Plant (TVA) Athens, AL | | |

| <u>Employer</u> | <u>Location of Exposure</u> | <u>Job Title</u> | <u>Exposure Dates</u> |
|---|--|-----------------------------|-----------------------|
| Crane Valves Nuclear Division Atlanta, GA (cont'd.) | Maracaibo Chemical Maracaibo, Venezuela | Sales Manager (Regional) | 1979-1985 |

EXHIBIT B

SUM-100

SUMMONS (CITATION JUDICIAL)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

ASBESTOS DEFENDANTS (B♦P)

[As Reflected on Exhibits B, B-1, C, H, I; and DOES 1-8500;
and SEE ATTACHED LIST.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ROBERT GARRITANO

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN FRANCISCO COUNTY SUPERIOR COURT
400 McAllister Street
San Francisco, CA 94102

CASE NUMBER:

CC-06-452792

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)

DAVID R. DONADIO, ESQ., STATE BAR NO. 154436
BRAYTON♦PURCELL LLP
222 Rush Landing Road, Novato, CA 94948-6169

GORDON PARKER

DATE:

(Fecha)

JUN 1 2006

Clerk, by

(Secretario)

CRISTINA BAUTISTA

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO PERSON SERVED: You are served

(SEAL)

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):

| | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association of partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |
4. ☐ by personal delivery on (date):

ATTORNEYS AT LAW
222 RUSSELL LANDING ROAD
P.O. Box 6169
NOVATO, CALIFORNIA 94948-6169
(415) 898-1555

1
2
3 AMERICAN STANDARD, INC.
4 AQUA-CHEM, INC.
5 ASBESTOS CORPORATION LIMITED
6 CROWN CORK & SEAL COMPANY, INC.
7 THOMAS DEE ENGINEERING CO., INC.
8 DURABLE MANUFACTURING COMPANY, INC.
9 THE GOODYEAR TIRE & RUBBER COMPANY
10 FOSTER WHEELER LLC
11 GARLOCK SEALING TECHNOLOGIES, LLC
12 GENERAL REFRACTORIES
13 GENERAL ELECTRIC COMPANY
14 OWENS-ILLINOIS, INC.
15 PARKER-HANNIFIN CORPORATION
16 PLANT INSULATION COMPANY
17 QUINTEC INDUSTRIES, INC.
18 RAPID-AMERICAN CORPORATION
19 RILEY POWER INC.
20 THORPE INSULATION COMPANY
21 UNIROYAL HOLDING, INC.
22 VIACOM, INC.
23 WESTERN MacARTHUR COMPANY
24 MacARTHUR COMPANY
25 WESTERN ASBESTOS COMPANY
26 IMO INDUSTRIES, INC.
27 INGERSOLL-RAND COMPANY
28 HOPEMAN BROTHERS, INC.
J.T. THORPE & SON, INC.
SHELL OIL COMPANY
CHEVRON PRODUCTS COMPANY
METROPOLITAN LIFE INSURANCE COMPANY
GATKE CORPORATION
AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS, INC.
UNDERWRITERS LABORATORIES, INC.
PNEUMO ABEX LLC
and DOES 1-8500,

Defendants.

Robert Garritano vs. Asbestos Defendants (B ♦ P)
San Francisco Superior Court

CASE NUMBER: CGC-06-452792 ROBERT GARRITTA^{7MO} VS. ASBESTOS DEFENDANTS (B*P)A:

NOTICE TO PLAINTIFF

A Case Management Conference is set for:

DATE: JUN-21-2007

TIME: 1:30PM

**PLACE: Department 206
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.3 and 3.4.

CRC 212 (g)(1) requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

Superior Court Alternative Dispute Resolution Coordinator
400 McAllister Street, Room 103
San Francisco, CA 94102
(415) 551-3876

CM-010

| | | |
|---|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): DAVID R. DONADIO, ESQ., STATE BAR NO. 154436 BRAYTON+PURCELL LLP 222 Rush Landing Road Novato, California 94948-6169 TELEPHONE NO.: (415) 898-1555 FAX NO.: (415) 898-1247 | | FOR COURT USE ONLY ENDORSED FILED <i>San Francisco County Superior Court</i> JUN 1 2006 GORDON PARK-LI, Clerk BY: <u>CRISTINA E. BAUTISTA</u> <i>Deputy Clerk</i> |
| ATTORNEY FOR (NAME): Plaintiff(s) SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: | | |
| CASE NAME: ROBERT GARRITANO vs. ASBESTOS DEFENDANTS (B+P) | | |
| CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811) | CASE NUMBER: CGC-06-452792 JUDGE: DEPT.: |

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below of the case type that best describes this case:

| | | |
|---|--|---|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input checked="" type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product Liability (24) <input type="checkbox"/> Medical malpractice (43) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental / Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination and related actions pending in one or more courts in other counties, states or countries, or in a federal court f. <input type="checkbox"/> Substantial post-judgment judicial supervision |
|--|---|
3. Type of remedies sought (check all that apply):
- a. ☒ Monetary b. ☐ Nonmonetary; declaratory or injunctive relief c. ☒ Punitive
4. Number of causes of action (specify): 7
5. This case ☐ is ☒ is not a class action suit.
- Date: 5/2/06

David R. Donadio

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

• Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.

• File this cover sheet in addition to any cover sheet required by local court rule.

• If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

• Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in the County of Sacramento. I am over
3 the age of 18 years and not a party to the within cause; my business address is 1730 I Street, Suite
240, Sacramento, California 95814.

4 I am familiar with the business practice at my place of business for collection and processing
5 of documents for mail. Documents so collected and processed, with postage fully prepaid, will be
deposited with the United States Postal Service that same day in the ordinary course of business.

6 On **August 13, 2007**, I served the following document(s):

7 **NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1442(a)1**
8 **AND 1446(a)**

9 On all interested parties in said cause, by delivering a true copy as follows:

10 **X BY MAIL** I placed a true copy thereof enclosed in a sealed envelope with postage thereon
fully prepaid. I deposited said envelope in the United States mail in Sacramento, California.
C.C.P. §1013(a)(b)

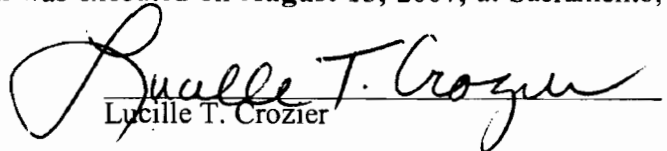
11 **BY PERSONAL SERVICE** I placed a true copy thereof enclosed in a sealed envelope and
12 caused such envelope to be delivered by hand via _____ to the offices of the
addressed below. C.C.P. §1011(a)(b)

13 **BY OVERNIGHT DELIVERY** I sent a true copy thereof for overnight delivery via
14 **FEDERAL EXPRESS**. C.C.P. §1013(c)(d)

15 Each envelope (if applicable) was addressed as follows:

16 Mr. David Donadio
17 **BRAYTON PURCELL, LLP**
222 Rush Landing Road
P.O. Box 6169
18 Novato, California 94948-6169

19 I declare under penalty of perjury under the laws of the State of California, that the foregoing
20 is true and correct, and that this declaration was executed on **August 13, 2007**, at Sacramento,
California.

21 
22 Lucille T. Crozier